

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2015

CORAM:

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

Writ Petition No.22516 of 2015

P.Arumugam

... Petitioner

vs.

1.The Secretary to Government,
Highways Department,
Secretariat, Chennai - 600 009.

2.The Principal Director,
Highways Department,
Chepauk, Chennai -6.

3.The Divisional Engineer,
Highways and Rural Works Department,
Chengalpattu Division,
Kancheepuram District.

... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 20.04.2015 regarding sanction of pensionary benefits to him.

For Petitioner : Mr.G.Punniyakotti

For Respondents : Mr.S.Navaneethan
Additional Government Pleader

O R D E R

The petitioner joined as Channel worker on daily wage basis during September 1984 in Uthiramerur Sub Division of the Highways Department. According to the petitioner, inspite of several representations, his service was not regularised. Hence, the petitioner and similarly situated persons filed W.P.No.36623 of 2004 seeking regularisation of service on completion of three years of service on daily wage basis.

2. According to the petitioner, this Court allowed the said writ petition on 09.12.2005 and issued direction to the respondents to regularise the service of those who had rendered more than three years of service on daily wage basis. The writ appeal preferred against the said order was also dismissed by a Division Bench on 09.12.2009. As against the said order of the Division Bench, the State preferred SLP No.14093 of 2010 and the same was also dismissed on 27.09.2010.

3. Though the Divisional Engineer earlier passed an order dated 08.02.2013 rejecting his claim for regularisation on the ground that he had not rendered more than three years of service, subsequently, he passed an order dated 16.06.2014 regularising his service with effect from 30.06.2012, the day on which he completed three years of service. Thereafter, he was permitted to retire on 31.08.2014 on attaining the age of superannuation.

4. According to the petitioner, even though he worked continuously from 1984 on daily wage basis, since his services were regularised belatedly, he has not been granted pension. Hence, the petitioner made a representation, dated 20.04.2015, requesting the respondents to sanction pension by counting half of the service rendered on daily wage basis, acknowledgment for the said representation is produced before this Court.

5. In these circumstances, the writ petition is disposed of by directing the first respondent to consider and pass orders on the representation of the petitioner, dated 20.04.2015, seeking pension by counting half of the service rendered on daily wage basis along with regular service, in the light of the judgment reported in 2014 6 MLJ 316 [P.Chinniyar v. State of Tamil Nadu, Rep. by its Secretary to Government], within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-
सत्यमेव जयते

Assistant Registrar(CS IV)

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Sub Assistant Registrar

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To

1.The Secretary to Government,
Highways Department,
Secretariat, Chennai - 600 009.

2.The Principal Director,
Highways Department,
Chepauk, Chennai -6.

3.The Divisional Engineer,
Highways and Rural Works Department,
Chengalpattu Division,
Kancheepuram District.

+lcc to Mr.G.Punniyakotti, Advocate, S.R.No.38144
+lcc to the Government Pleader, S.R.No.38417

W.P.No.22516 of 2015

JSV(CO)
CA(13/08/2015)



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